IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15765 of 2005

Between:

1 P.Kausalya D/o.P.Ramanaiah
R/o.407, 1st Ward, M.V. Nagar gudur Nellore District.
2 P.Manjula D/o.Sivaramaiah
R/o.Nellore.

..... PETITIONERS

AND

1 The District Collector, Nellore.
2 The Revenue Divisional Officer, Kavali, Nellore District
3 The Mandal Revenue Officer Aluru Mandal
Nellore.
4 NTR University of Health Sciences,

Vijayawada, rep. by it's Registrar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the order of the 2nd respondent passed in Rc.G.3030/2003 dt.6.7.2005 as illegal, arbitrary and direct the 4th respondent to consider the claim of the petitioners for admission to MBBS course subject to production of certificate.

Counsel for the Petitioner :Mr.O.MANOHER REDDY

Counsel for the Respondents No.1 to 3: G.P.FOR SOCIAL WELFARE

Counsel for the Respondent No.4 : MR.D.V.NAGARJUNA BABU

The Court at the stage of admission made the following ORDER:

ORDER:

This writ petition is filed by the petitioners aggrieved by the order passed by the 2nd respondent dated 06-07-2005 rejecting their claim for issuance of the caste certificate stating that the petitioners belong to 'Samban' caste, which is a Scheduled Caste.

The grievance of the petitioners is that the 2nd respondent did not conduct the enquiry as is required under the provisions of the rules framed under the Andhra Pradesh (SC. ST & BCs) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997 and therefore, the impugned order is liable to be quashed.

The learned counsel also argued at length advancing various contentions and also contended that even the certificate issued in favour of the parents of the petitioners was not cancelled, therefore, it is not just and proper in passing the impugned order rejecting the claim of the petitioners.

The learned Government Pleader appearing for the respondents, however, stated that there is a remedy of appeal, which is also indicated in the impugned order itself, and the appeal is provided under Section 7(1) of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Act, 1993. As an affective remedy of appeal is available, it is open to the petitioners to file an appeal before the District Collector and seek appropriate orders as to the validity or otherwise of the impugned order passed by the 2nd respondent.

In view of the above remedy of appeal, which is available to the petitioners, the writ petition is disposed of without going into the merits of the contentions, directing the petitioners to avail the remedy of appeal. No costs.

S. ANANDA REDDY, J.

Dated: 20..07..2005.

rns

To

1 The District Collector, Nellore.

2 The Revenue Divisional Officer, Kavali, Nellore District

3 The Mandal Revenue Officer Aluru Mandal
Nellore.

4 The Registrar,

NTR University of Health Sciences,

Vijayawada.

5 Two CD copies

6 One CC to MR.MANOHER REDDY